

**ASSEMBLY BILL**

**No. 1679**

**Introduced by Committee on Elections, Redistricting and  
Constitutional Amendments (Longville (Chair), Jerome Horton,  
Levine, and Nunez)**

February 21, 2003

An act to amend Sections 13, 3103, and 3304 of the Elections Code,  
relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1679, as introduced, Committee on Elections, Redistricting and  
Constitutional Amendments. Elections: write-in votes.

Existing law permits a voter to write the name of a candidate for any  
public office on the ballot of an election, with certain requirements.

This bill would make a technical, nonsubstantive change to correct  
several erroneous cross-references to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 13 of the Elections Code is amended to  
2 read:

3 13. (a) No person shall be considered a legally qualified  
4 candidate for any office or party nomination for a partisan office  
5 under the laws of this state unless that person has filed a declaration  
6 of candidacy or statement of write-in candidacy with the proper  
7 official for the particular election or primary, or is entitled to have  
8 his or her name placed on a general election ballot by reason of

1 having been nominated at a primary election, or having been  
2 selected to fill a vacancy on the general election ballot as provided  
3 in Section 8806, or having been selected as an independent  
4 candidate pursuant to Section 8304.

5 (b) Nothing in this section shall be construed as preventing or  
6 prohibiting any qualified voter of this state from casting a ballot  
7 for any person by writing the name of that person on the ballot, or  
8 from having that ballot counted or tabulated, nor shall any  
9 provision of this section be construed as preventing or prohibiting  
10 any person from standing or campaigning for any elective office  
11 by means of a “write-in” campaign. However, nothing in this  
12 section shall be construed as an exception to the requirements of  
13 Section ~~15351~~ 15341.

14 (c) It is the intent of the Legislature, in enacting this section, to  
15 enable the Federal Communications Commission to determine  
16 who is a “legally qualified candidate” in this state for the purposes  
17 of administering Section 315 of Title 47 of the United States Code.

18 SEC. 2. Section 3103 of the Elections Code is amended to  
19 read:

20 3103. (a) Notwithstanding any other provision of the law, a  
21 special absentee voter who qualifies pursuant to this section may  
22 apply for a special absentee voter ballot. Any application made  
23 pursuant to this section that is received by the elections official  
24 prior to the 60th day before the election shall be kept and processed  
25 on or after the 60th day before the election.

26 (b) If a special absentee voter submits an application  
27 containing a statement that provides that due to military or other  
28 contingencies that preclude normal mail delivery, as specified by  
29 the voter, the voter cannot vote an absentee ballot during the  
30 normal absentee voting period, and the voter is otherwise qualified  
31 to vote as a special absentee voter, the elections official shall  
32 immediately send the voter a ballot in a form prescribed and  
33 provided by the Secretary of State, or a ballot and voter registration  
34 card if required by Section 3100. The elections official shall send  
35 with the ballot a list of all candidates who have qualified for the  
36 ballot by the 60th day before the election and a list of all measures  
37 that are to be submitted to the voters and on which the voter is  
38 qualified to vote. The voter shall be entitled to write in the name  
39 of any specific candidate seeking nomination or election to any  
40 office listed on the ballot.

1 (c) Notwithstanding Section ~~15351~~ 15341 or any other  
2 provision of law, any name written upon a ballot for a particular  
3 office pursuant to subdivision (b) shall be counted for the office or  
4 nomination.

5 (d) The elections official shall receive and canvass special  
6 absentee voter ballots described in this section under the same  
7 procedure as absent voter ballots, insofar as that procedure is not  
8 inconsistent with this section, except that prior to election day,  
9 special absentee voter ballots shall be secured separately in a  
10 sealed ballot box reserved for that purpose.

11 (e) In the event that a voter executes a special absentee ballot  
12 pursuant to this section and the military or other contingency does  
13 not exist during the normal absentee voting period, that voter may  
14 make an application for an absentee ballot pursuant to Sections  
15 3100 and 3101. If an application is made pursuant to this  
16 subdivision, the elections official shall reject the voted ballot  
17 previously cast and process the application in accordance with  
18 Chapter 1 (commencing with Section 3000).

19 (f) Notwithstanding any other provision of law, a special  
20 absentee voter who qualifies pursuant to this section may, by  
21 facsimile transmission, register to vote and apply for an absent  
22 voter's ballot. Upon request, the elections official shall send to the  
23 qualified special absentee voter either by mail or facsimile  
24 transmission the special absentee ballot or, if available, an absent's  
25 voter ballot pursuant to Chapter 1 (commencing with Section  
26 3000).

27 SEC. 3. Section 3304 of the Elections Code is amended to  
28 read:

29 3304. (a) A voter described in Section 3302 may apply for an  
30 absent voter ballot. Any application made pursuant to this section  
31 that is received by the elections official prior to the 60th day before  
32 the election shall be kept and processed on or after the 60th day  
33 before the election.

34 (b) If the voter submits an application containing a statement  
35 that provides that due to contingencies that preclude normal mail  
36 delivery, as specified by the voter, the voter cannot vote an  
37 absentee ballot during the normal absentee voting period, and the  
38 voter is otherwise qualified to vote as provided in this chapter, the  
39 elections official shall immediately send the voter a ballot in a  
40 form prescribed and provided by the Secretary of State, or a ballot

1 and voter registration card if required by Section 3307. The  
2 elections official shall send with the ballot a list of all candidates  
3 who have qualified for the ballot by the 60th day before the  
4 election and for whom the voter is qualified to vote. The voter shall  
5 be entitled to write in the name of any specific candidate seeking  
6 the nomination or election to any office listed on the ballot.

7 (c) Notwithstanding Section ~~15351~~ 15341 or any other  
8 provision of law, any name written upon a ballot for a particular  
9 office pursuant to subdivision (b) shall be counted for the office or  
10 nomination.

11 (d) The elections official shall receive and canvass the absent  
12 voter ballots described in this section under the same procedure as  
13 other absent voter ballots, insofar as that procedure is not  
14 inconsistent with this section, except that prior to election day, the  
15 absent voter ballots described in this section shall be secured  
16 separately in a sealed ballot box reserved for that purpose.

